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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Tuesday, March 9, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

THE LATE HONOURABLE WILLIAM J. PETTEN

TRIBUTES

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, on March 31, 1949 — 50 years ago this month — the wonderful Island of Newfoundland became the tenth province in the Canadian federation. In the hard-fought campaign to bring Newfoundland into Confederation, thus completing our one great nationality from sea to sea to sea, a young man of 26 years of age drove a pickup truck which was the rough campaign platform for Prime Minister Louis St. Laurent and then premier Joey Smallwood. A photograph of this proud young man — a photograph which hung in Bill Petten's office over the duration of his 30 years of service to this chamber — was Bill's special treasure.

The recent very sad and unexpected passing of Senator Petten leaves all of us with memories of a kind and gentle spirit. We think of famous words that tell us that an honest man is the noblest work of God, and "the Whipper," as I always knew him, was all of that.

In his 17 years as a whip in this chamber, Bill Petten served two terms as the government whip and another two terms as the opposition whip. He understood and practised some of the finest human notions of what real leadership means. He knew that to get others to come to one's way of thinking, you often had to go over to theirs. He knew that it was often necessary to follow in order to lead. With those fundamental truths about leadership solidly espoused, Senator Petten marshalled the forces of the party for division and maintained discipline amongst the rank and file.

Bill always used jokes and gentle persuasion, relying on his inevitable good sense and enormous patience to get the job done. He always tried to get along with "the folks," as he so often put it. In doing so, Senator Petten contributed immeasurably to the efficiency with which the Senate did its work.

•(1410)

Bill Petten served well, whether as acting Deputy Leader of the Government in the Senate or as a member of the Standing Committee on Internal Economy, Budgets and Administration, on the Special Joint Committee on the Constitution of Canada, or on the Standing Senate Committee on Fisheries, for which he worked so long on behalf of Newfoundland fishers and their

communities. Bill brought all his dedication and humanity and warmth to the Senate of Canada.

As a committed member of the Canadian Parliamentary Association for over 25 years, Senator Petten led Canadian delegations around the world, bringing his special sense of justice and tolerance to the international community at large.

Fifty years ago, Bill Petten became a Canadian by choice. At the time, he was, like many proud Newfoundlanders who said yes to Canada, a citizen of a small but significant nation in its own right whose people were descendants of Europe's boldest seamen. Yes, in 1949, they became citizens of a country whose intellectual underpinnings were based on service to the public good. They became part of an ongoing national process of balanced equality, a special Canadian ideal of equality which was all about freedom, a freedom tempered by a deep desire for justice. They joined this humanist, decent society which generations of fine public servants have served with honour and with principle, with integrity and with honesty.

Bill Petten, who became a Canadian by choice, was that kind of a public servant. Bill Petten was that kind of a man. Bill Petten was that kind of a friend. While he spent his public life in the service of his chosen country, he remained always a true Newfoundlander, dedicated to the people of that land of special magic, a magic about survival and strength and magnificent beauty, a land of countrymen who shared a courageous past.

The beautiful *Ode to Newfoundland* captures the magic of:

This place of pine-clad hills, this smiling land,
As loved our fathers, so we love...
Their prayer we raise to heav'n above,
God guard thee, Newfoundland...

May God guard thee, Bill Petten. May God guard the spirit of one of the noblest and most gentle spirits ever to grace this chamber and a dear old friend and colleague whom we will certainly miss.

To his wonderful wife and constant companion, Bernice, and their children, Sherry, Robin, Billy and Raylene, we extend an expression of the deepest and most profound sympathy.

Hon. C. William Doody: Honourable senators, it is with a feeling of deep personal sadness and loss that I rise today to offer tribute to our friend Senator Bill Petten. Like all of you, I was immensely shocked when I heard the news of his passing on Saturday past. It seems like only a few weeks ago that I joined all of you in wishing Bill many happy and fulfilling years of retirement, and now he has been taken from us all too soon.

I have been privileged to call Bill Petten my friend for many years, far longer than the 30 years that he has spent here in the Senate or indeed the 20 years that I have spent here. He was a kind and a courteous man back then, as he was up to the time of his passing. Anyone who has ever known him has memories of a kind, compassionate, generous, gracious man.

There are those in this chamber — I think specifically of Senator Lewis — whose friendship with Bill Petten goes back even further than mine. Perhaps Senator Rompkey is also a graduate of that same school where they learned so many values and passed on so many of the good parts of Newfoundland culture and lifestyle to those less fortunate people in Canada who have not had that experience.

I first met Bill Petten when I went to work on the waterfront in St. John's. I was about 16 then, a customs clerk for a small fish export firm. Bill was a customs broker, as it was called in those days. He and his father, the late Ray Petten, were one of a group of business people in St. John's who represented various fish-trading people in the rural communities of Newfoundland. The firms that Bill represented were mainly in the Bonavista, Trinity, Catalina areas, firms that go back into the depths of antiquity in terms of traders and fishers and business people. The Swyers and Mifflins, Tilley's and Ryans; he became intimately acquainted with the people who lived in that part of the province. He learned to love them and to grow with them and to represent them so well here in this chamber.

That part of Newfoundland's lifestyle has passed, as has so much else, but when Bill Petten came to the Senate, he threw himself into the life of this chamber with the same kind of enthusiasm and dedication that he showed during his commercial activities.

On Saturday past, one of the local reporters phoned me, asking some questions about Senator Petten. He asked if I could add anything to the story he was writing. He asked me what Senator Petten's hobbies were and what his interests were. It occurred to me that Senator Petten had three hobbies, three interests. These were his family, the Liberal Party and the Senate. These were his life. He dedicated himself to these things and served them with enthusiasm and honour and grace.

Bill Petten was called to the Senate in 1968. To some that may seem like a long time ago, but it does not seem long to me; I guess there is a message there, too. For 17 years he served as Liberal Party whip in this place. All of us here know what a thankless and difficult job that is. He handled it with the same grace and good humour that he handled everything else in his life. The job was made somewhat easier for him during that period because many of the responsibilities for the "whipping" on the Conservative side of the chamber were looked after by our friend Orville Phillips, who worked closely with Bill Petten. I guess Orville's warmth and graciousness and kind and gentle manner helped Bill immeasurably in the tasks he had to do. There is no doubt in my mind at all when Bill laughed and smiled and joked his way through that, that he could laugh and joke and smile his way through anything.

Senator Graham has mentioned his wonderful, tremendous wife, Bernice. It is pretty difficult to imagine Bill Petten without Bernice. They were quite a team. She shared all of his joys and disappointments, his frustrations and triumphs, as well as his hobbies that I just mentioned. I know how much she will miss him. I know that we will all miss him. I certainly shall.

•(1420)

On my own behalf, that of my colleagues on this side, the entire chamber and the thousands of friends that he made in Newfoundland over the years, I wish to extend to Bernice and to their children, Sharon, Rob, Raylene and Bill Junior, our deepest sympathies and sincerest condolences. We will miss him.

Hon. Joyce Fairbairn: Honourable senators, it was with tremendous sadness that I heard of the death on the weekend of my friend and former colleague Bill Petten. I share the shock of other colleagues and I find it hard to realize that he is gone.

Bill was a mentor to me in the Senate. I had the privilege, and the fun, of being his seatmate during some of this chamber's historic and hair-raising debates in the early 1990s.

Even before that, we had worked together quietly when I was legislative advisor to former prime minister Trudeau, and Bill, as our whip in the Senate for 17 amazing years, was designated to keep the channels of communications open with the other place. This he did with me almost daily, as well as with the Government House Leader of the time, the Honourable Mitchell Sharp.

Bill was a great educator, and most certainly made a difference in my understanding of the role of senators and the contribution to Parliament made by the Senate. One could not have had a better ambassador for this institution. He remained one of its greatest assets and friends right until the end.

On the weekend, Prime Minister Chrétien described Bill as a man of great kindness, warmth and good humour. In his words, "People just naturally liked him." That is a true and perfect description of Bill Petten. Others have noted that he put dedication and honour into his role as a representative of Newfoundland and as a representative of the Liberal Party there.

Thirty years ago this week, Bill gave his first speech in this chamber. I found it interesting to note that at that time he repeated the words his father had used years before to express his feeling in his own maiden speech in the Senate. He said:

...I realize that the privilege granted me of speaking on the floor of this house today is an honour to the province I represent rather than a tribute to any merits which I myself may possess.

Clearly, Bill vigorously wore his heart on his sleeve for his home province. All of us understood Newfoundland's issues, its concerns and its unique character vividly through him. That, honourable senators, is one of the roles of members of this house, which is just as important as any piece of legislation.

I said earlier that Bill helped me learn how to be a senator. I could not have had a better role model, although I will never be able to match, or even come close to the example he set. When I had the privilege to spend a period of time as Leader of the Government here, he was a source of constant wisdom, support, and loyalty. When asked, he always cheerfully stepped in to help as Deputy Leader. As a good friend, he never hesitated to tell me when he thought I could do better or take a different approach, and I always listened carefully.

The thing that I will savour always is his sense of humour and his utter joy of living. I will never stop hearing the echo of his laughter, and neither will the family whom he treasured with such pride.

In extending my sympathy to his beloved Bernice and all the children — Bill Junior, Rob, Sharon and Raylene — their grandchildren and their extended family, I know that Bill will be with them always in great and loving memories. In his new home, he will continue to keep colleagues and friends in line with kindness and with laughter.

Hon. Orville H. Phillips: Honourable senators, I should like to join in the tributes to a very special friend, Bill Petten. I served with both Bill and his father in this chamber. We became very special friends in a rather humorous way. I had been hospitalized and when I returned to the Senate, Bill spoke to me in the anti-chamber and welcomed me back. We spoke about various things and then he said, "I think the government is doing a very good job, don't you?" He seemed a bit surprised when I disagreed with him. He looked at me and said, "Oops, I forgot that you are a Conservative." For a long time thereafter when we would meet, I would remind him on which side of the house I sat. When the government changed, he used to reverse the situation and say it was his turn to complain about the government.

I always appreciated that Bill understood that the opposition and minorities were small in number. Whether in the Standing Committee on Internal Economy, Budgets and Administration or in the Senate, he always tried to be fair to the minority.

As whips, we often had discussions. He would phone me in the morning and say, "Put the tea on. I am coming up shortly." According to Dr. Keon's instructions, we were both drinking decaffeinated tea. We quite often agreed that the tea was not very good, but the price was right. We had many friendly discussions about that.

He used to talk to me about his retirement and all the travel he had planned. Yesterday, when I visited the funeral home, I found myself wondering just how much of that travelling he and Bernice were able to do because, unfortunately, he did not have the lengthy retirement that his efforts deserved.

He loved "The Rock," as he used to call it. He loved his people and he understood them. He enjoyed telling about his experiences while working with Joey Smallwood and travelling throughout the province. I have laughed at many of those stories.

I join with those who have expressed their sympathy to Bernice and their family. I know the next few days will be very difficult for them, particularly for Bernice, as she is just recovering from surgery. However, as time goes on, I am sure they will begin to appreciate and recall the memories that we all do.

•(1430)

Hon. P. Derek Lewis: Honourable senators, it is with great sadness and a heavy heart that I rise today to pay tribute to the late Honourable William J. Petten, who was a member of this chamber for 30 years and only retired from here in January of last year. It is not only as a former colleague in this chamber that I speak, but as a great personal friend of Bill, as we all knew him.

Bill and I had been friends for about 70 years. We both started and finished school together and grew up in our community of St. John's. We have, ever since, shared our mutual life experiences — both the ups and the downs. I can assure you that he was the greatest person to have as a friend.

I was able to rejoice when he was called to the Senate in 1968. Whilst here, he applied himself diligently to the work of the Senate, where he rose to be the whip of his party for 17 years. It is only regrettable that his father, the late Senator Ray Petten, was not around to also rejoice in his appointment.

When I came to the Senate in 1978, Bill was the whip for my party. I received from him much valuable assistance and advice as to the workings of the Senate. We shared many happy hours here and, over the years, I was a beneficiary of his hospitality and that of his family here in Ottawa.

Bill always had a great interest in politics and over the years was a great supporter of and worked hard for the Liberal Party. He applied himself vigorously in furthering the interests of his party both here and in his province of Newfoundland.

I well recall how, as whip, he kept those of us on our side of the chamber in line and on deck, when needed. In this, he applied himself seriously and successfully. He usually achieved this by force of his personality, astuteness and hard work. In this regard, I should like to mention that Bill had an ability to get to know people, understand people, and become their dependable friend. His friends were legion.

Bill was always ready to assist people and offer help whenever he perceived it was needed or would be appreciated. I am sure there are many in this chamber who have experienced this attribute that he possessed. He was vibrant and enthusiastic and always ready to jump in and take part in any activity that was about to happen.

Senator Doody has made mention of his friendship with his opposite member when he was whip, Senator Phillips. Over the years, I recall his remarking to me sometimes about the difficulties he was experiencing in negotiating with the opposite whip. After speaking like that for awhile, he would suddenly turn to me and say, "But he is an all right fellow anyway."

Bill was a great traveller and always game to visit and experience new communities and societies. In this way, he got to visit and appreciate many parts of Canada and other countries of the world. In so doing, he made many friends around the globe. He was a proud Canadian and represented his country well on his visits to other countries.

In his work in the Senate, Bill was always conscious of his call to represent the interests of his province, within the context of the national well-being. At this, he always worked strongly.

We have all lost a good and dependable friend and former colleague. I will miss him deeply.

Bill was a good family man, and I join with all others in extending the deepest sympathy to his wife, Bernice, and to his family.

Hon. Ethel Cochrane: Honourable senators, I was both saddened and shocked to hear that Bill Petten died suddenly in Ottawa on Saturday. It seems just like yesterday that we were wishing him and his wife, Bernice, a long and enjoyable retirement.

During his long career in politics, Bill Petten gave admirable service to his province, to his country, and to this institution. He was well respected here for his warmth and his friendship to everyone. He went out of his way to be welcoming and his doors were always open to everyone — both at his office and in his home. His hospitality was always freely given no matter where people came from.

Bill Petten was a true gentleman, with much kindness in his soul. He will be well remembered and sadly mourned by other legislators in other countries around the world, who knew him through his active involvement in the CPA and other inter-parliamentary organizations and who enjoyed, as we did, his friendliness, his openness and his hospitality.

I hope that his wife, Bernice, and the rest of his family take some solace in knowing that so many others share their grief.

Hon. Bill Rompkey: Honourable senators, I want to take the opportunity to leave on the Hansard of this chamber, which he loved and respected so much, a few memories of Bill Petten.

Before being elected, I remember coming to Ottawa as a delegate for a convention. It was Bill Petten who picked us up at the airport, drove us to the hotel and made sure that we were looked after while we were here because he was the host for our province in Ottawa. That was how he saw his role. That was how he played the role, and he played it well.

I then remember coming here as a new MP in 1972, with my family — my wife and two small children. We stayed at the Petten home. They looked after us for a few days. They also found a real estate agent for us until we could rent a house in Ottawa. When Bill visited my house, if he saw something that

needed to be done, he would return in his overalls, with his hammer and saw, to help fix it, usually things that I could not do for myself because I am not handy. One of the things people need to remember about Bill Petten is that he was a handyman. He was a carpenter, a jack of all trades. He could turn his hands to such things, and he loved to do so. He did it for people willingly.

I can remember the Petten home on other occasions because those of us who come from Newfoundland party once in awhile — although not often enough. We are known to have a party from time to time. We are even known to break into song. As a matter of fact, we have become so disaffected with songs from other parts of Canada that we compose some of our own. We would start the evening with those and with some Irish songs. As the evening progressed, we would eventually get to old hymns that Al Graham can remember singing, I am sure. In that house, there was hospitality, there was warmth, and there was friendship. Bill loved that. He and Bernice did it so well together, the host and hostess for our province in this city. That is how I will remember him. I will also remember the stories. He had an infinite supply of stories and anecdotes.

That, for me, is his legacy, namely, that of a friend, a host, a companion, an advisor. I will dearly miss him. I wish to extend my sympathy to Bernice and to Rob, Sharon, Raylene and Billy.

Hon. Jeremiah S. Grafstein: Honourable senators, I thought I should bring a central Canadian perspective to this otherwise fascinating tribute to our friend the late Bill Petten.

When I think of the words “distinctive Canadian,” I can think of no better example than Bill Petten. He was a distinctive man in many ways, but mostly in his words and his wit. His language and his Newfoundland mode of expression was so different that whenever I heard him, it brought a smile to my lips. When I say “whenever I heard him” or overheard him, I must say that Bill sat behind me after he stepped down as whip. I always heard two speeches in the chamber. One would be the Speaker on this side, or on the opposite side, and the other would be a low-level commentary in Newfoundland wit by Bill. During a very serious speech, I would sometimes break out in laughter involuntarily because of the crack or the comment or the anecdote that Bill would whisper in my ear as the Speaker was going through his routine.

•(1440)

I thought Bill was a very distinctive character in the language until I met Bernice. Her wit is probably faster and sharper than Bill’s wit. I always imagined what their pillow talk would be like. I imagined Bill and Bernice together saying, “Well, have you heard this one?” That is what Bernice and Bill would always say to me.

I say this to Bernice: Bill left his mark through his wit, language and generosity of spirit. He left his mark as a great Liberal and a great Canadian, and he will always be remembered by myself and by my family.

[Translation]

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to call your attention to the presence in our gallery of a distinguished group from la Fédération des policiers et policières du Québec. The federation president, Yves Prud'homme, is accompanied by Christine Beaulieu, Sylvain Grenier, and Sylvain Dugas. They are the guests of Senator Prud'homme. Allow me to welcome you to the Senate.

[English]

SENATORS' STATEMENTS

INTERNATIONAL WOMEN'S DAY

Hon. Erminie J. Cohen: Honourable senators, yesterday we observed International Women's Day. Millions of women around the world marked this day with rallies, marches, panel discussions and receptions to celebrate and reflect upon women's progress in all fields of endeavour. Originally, this special day began as an event to draw attention to the plight of working women, and to commemorate the first massive strike by women against intolerable working conditions.

International Women's Day has its roots in the labour movements of the late 19th century and early 20th century when workers protested poor working conditions and low wages in the textile industry, which employed many women. International Women's Day was first celebrated on March 8, 1911, and had "Universal Female Suffrage" as its theme. In the 88 years since, women have gained the vote and much more — equality under the law, and a more prominent place in all aspects of society. The day also gives us an opportunity to raise public awareness of the oppressive and serious conditions confronting many women worldwide.

Honourable senators, I would be remiss if I did not recall that in 1929 five Alberta women were successful in having women recognized as "persons" under the law. They made it possible for many of us here today to be eligible to sit in the Senate. Before and since, women have made significant contributions every day in the home, workplace and community, all for the betterment of society. I invite my colleagues to join me in applauding the courage and determination of these five special women in celebration of International Women's Day.

Hon. Senators: Hear, hear!

[Translation]

Hon. Lucie Pépin: Honourable senators, as my colleague Senator Cohen has already said, yesterday, March 8, was International Women's Day, an opportunity for the men and women of Canada to celebrate the progress that has been made

toward equality and to reflect upon the obstacles still to be overcome.

It is an opportunity to celebrate the many accomplishments of women from a variety of regions and a variety of backgrounds who have contributed to the economic and social success of this country.

Honourable senators, I would like to draw the attention of my colleagues to a sculpture that is located in the Hall of Honour. We may pass by it nearly every day, but I am very sure that few of us take the time to appreciate this tribute to Canadian women.

The work I refer to is the bas-relief in tribute to the contribution of Canadian nurses, from 1639 to 1918.

In many ways, the history of Canada's nurses parallels that of the country itself: the Red River colony, the Klondike gold rush, the Boer War, the First and Second World Wars — dates in our history where nurses were present. From the early days of New France to modern day peacekeeping, Canadian nurses have been an integral part of the growth of our country. So many tales of courage and self-denial to inspire us!

One of them takes us back to the early days of New France, when a group of nuns cared for the members of the Huron nation. It took place during the terrible smallpox epidemic of 1639. Their respect for humanity and their desire to care for the sick of another culture are portrayed in the bas-relief I have just described.

[English]

Another is the saga of the Grey Nuns who, in the 1840s, canoed through the wilderness to care for the sick in Western Canada.

A third is the story of the first member of the Victoria Order of Nurses — formed in 1897 — who played a vital role in bringing public health services to remote communities across the country.

Honourable senators, I would be remiss if I did not also mention the bravery and sacrifice of Canadian nurses during wartime. These women, too — women who risked their lives to serve the world in its hour of greatest need — are respected in the memorial sculpture. That generosity of spirit carries on to this day. That same wellspring of care and compassion can be found among nurses working in today's modern hospitals and community health units across the country.

[Translation]

Nursing care in the 1990s is highly complex. To provide the best possible care, today's nurses must work with budget restrictions that often cause them to burn out without having the satisfaction of giving their patients the best care possible.

Nurses would like the time to give a word of encouragement, to find out the needs of their patients, to provide comfort that would speed up the healing process. This is why I am happy the public is increasingly recognizing the crucial role played by the nursing staff in our health care system.

I am especially pleased that in its latest budget, the federal government decided to create a special research fund in nursing care in the amount of \$25 million. This was a very positive decision.

[English]

Honourable senators, for more than three centuries, Canadian nurses, with their dedication and compassion for others, have exemplified some of the very finest values we cherish as Canadians.

[Translation]

In recognition of International Women's Day, I encourage my colleagues to support the often very thankless task of nurses and to give them the respect they deserve.

Hon. Thérèse Lavoie-Roux: Honourable senators, like my two colleagues before me, I, too, want to call the attention of the Senate to International Women's Day and the beginning of International Women's Week.

[English]

The theme this year is "Going Strong — Celebrating Older Women." It recognizes the International Year of Older Persons as declared by the United Nations for 1999.

Honourable senators, this is an occasion to reflect upon the challenges facing women, particularly older women in our society.

[Translation]

Women make up more than half of our seniors, and 70 per cent of those aged 85 and older are women.

[English]

Senior women are among the poorest of Canadians. More than 45 per cent of unattached women over the age of 65 live in poverty. Without the resources and support they need, senior women are at risk when it comes to independence and health.

Another challenge facing older women is elder abuse. Women are almost twice as likely as men to be victims of elder abuse.

[Translation]

In Canada, it is estimated that 4 per cent of seniors, or 100,000 people, are the victims of abuse. However, studies have shown that approximately 10 per cent of seniors are subject to elder abuse.

[English]

Estimates are difficult to make, given the tendency to under-report the problem. Consider the fact that older women are most victimized by a spouse, and often by an adult child.

Understandably, there is a great deal of stigma and shame associated with elder abuse, and they will not report it.

[Translation]

Financial exploitation is probably the most prevalent form of abuse, followed by psychological abuse such as humiliation or intimidation. Although less frequent, physical abuse is also a serious problem affecting approximately 12,000 of Canada's seniors.

[English]

•(1450)

The United Nations' principle for older persons states that older persons should be able to live in dignity, security, and be free of exploitation and physical or mental abuse, and that older persons should be treated fairly and be valued independent of their economic contributions.

[Translation]

Honourable senators, thousands of older women in Canada do not enjoy these rights. Older women are likely to suffer abuse and to live in poverty. In this house, we have often drawn honourable senators' attention to child poverty and child abuse. I would like us, in the not too distant future, to find an opportunity to examine this problem. As the number of seniors increases, this becomes a priority.

Until then, we must content ourselves with the observation that Canada is not the only country with an elder abuse problem. It is a social problem of some proportion in other countries as well, and is often inhumane and extremely degrading for those who have built their community and their country. Today, in thinking of all these people, we can consider how we can improve their lot, particularly that of older women.

[English]

Hon. Mira Spivak: Honourable senators, this week marks the last International Women's Day of this century. Yesterday, women and men everywhere reflected on the movement towards equality, celebrated the gains which society has made in recognizing the human rights of women and paused on the work yet to do.

In Canada, many reflected on the recent Supreme Court decision which found that there is no such thing as implied consent to sexual assault in Canadian law. They also expressed dismay at the aftermath of that ruling. I think that it is appropriate that we here add our voice to the defence of Madam Justice Claire L'Heureux-Dubé who, in her judgment on the *Ewanchuk* case, defended a young woman and all women against stereotypical and mythical attitudes still held today.

Justice L'Heureux-Dubé has been unjustly attacked both by Judge McClung and, more surprisingly, by the celebrated criminal lawyer Edward Greenspan, for what many have called a decent and necessary judgment. Judge McClung's finding that the complainant in the *Ewanchuk* case had implicitly consented

to sexual advances, despite the finding of facts, not disputed, that such advances had been explicitly refused three times, justified Madam Justice L'Heureux-Dubé's calm and detailed disagreement with the Alberta Appeal Court judge. His "bonnet and crinolines" comment, the characterization of Ewanchuk's behaviour as more hormonal than criminal, his contention that the young woman ought to have defended herself, all these quaint and unjust notions were demolished with steely logic by the Supreme Court justice.

Judge McClung's attack on this eminently rational ruling was further proof of his anachronistic and wrong-headed views about women. However, Mr. Greenspan's remarks were even more disturbing. They revealed a startling bias against what he called, "mindless, feminist ideology." Madam Justice L'Heureux-Dubé's judgment was neither mindless nor particularly ideological. It reflected a rather common sense approach. Has the word "feminist" become a pejorative? What is feminism, if not the belief that men and women should be treated equally and are equally entitled to justice in our legal system? This is a deadly serious idea, if one casts a glance at countries around the world. Pakistan, for example, comes to mind.

To paraphrase Thomas Jefferson, the price of justice is eternal vigilance. It is not the disagreement about this case that is troubling, as that often happens; it is the underlying attitudes it reveals about women: that by their dress they invite assault; that they do not mean no when they say no; that a woman is at fault for not defending herself when she is assaulted. These attitudes, reduced to their absurdity, would excuse most sexual assaults.

Madam Justice L'Heureux-Dubé has shone a clear light on these attitudes, revealing them in all their disconnectedness from reality. We owe her our respect and gratitude. She is following in the tradition of the late Justice Brian Dickson, who, in 1989 in a sexual harassment case, dressed down the members of the Manitoba Court of Appeal for their wrong judgment. No stream of invective was directed at him.

I commend Madam Justice L'Heureux-Dubé for her wisdom and her judgment that harkens back to one of Manitoba's best known advocates of women's rights, the suffragette Nellie McClung, the grandmother of the judge who sparked this latest controversy. It is through women such as these that Canadian society has made progress toward equality. However, attitudes change slowly and obviously more work remains for the 21st century.

Some Hon. Senators: Hear, hear!

POVERTY AMIDST PLENTY

CONFERENCE HELD IN EDMONTON

Hon. Douglas Roche: Honourable senators, I wish to inform the Senate of an important conference, Poverty Amidst Plenty, held last weekend in Edmonton. Some 300 persons examined the reasons why, in a country as rich as Canada, there is such devastating poverty. Senator Cohen made a distinguished contribution.

Three points stood out: The gap between the rich and the poor in Canada is growing at an alarming rate, and this is especially true in Alberta. The second is that the credibility of governments in addressing this problem is low. In fact, there is anger at governments because, despite their rhetoric that governments would repair the poverty problem, the poor are worse off than ever. The third is that the people at the top of the economic scale have captured the political system, which now pays more attention to satisfying the never-ending demands of the rich than meeting the needs of the poor. This is a formula guaranteed to promote radical reaction.

The time has come for governments to stop talking and begin acting to enable the poor to access the health, education, and social services they need to climb out of poverty. Under the mistaken impression that speakers of the conference were attacking Albertans because there is poverty in Alberta, Premier Ralph Klein protested that the Parkland Institute, sponsors of the conference, was slanting the facts. Actually, the Parkland Institute, a well-respected research organization located on the campus of the University of Alberta, presented the poverty picture, which is not a pretty sight, as it is.

The Parkland Institute deserves credit for bringing these facts forward in an effort to strengthen the fabric of our whole society. The genesis of the conference lies in the continuing work of the Quality of Life Commission in Edmonton which, three years ago, brought out its report "Listen to Me," in which the cries of the poor were documented. All governments would benefit from a rereading of that report.

THE LATE MR. JOE DIMAGGIO

TRIBUTE

Hon. Francis William Mahovlich: Honourable senators, Joe DiMaggio has reached home plate. He was one of the legends of America and of baseball. I had the opportunity to meet him a few years ago. My wife and I were attending a Hall of Fame dinner in Palm Springs.

I was told that he was a very quiet and reserved man, so I did not know how the conversation would go. I recalled years earlier that I had been browsing through a bookstore and picked up a book about Moe Berg, an American spy. I found it interesting and started to read it. Moe Berg was an American who played with the New York Yankees. The Yankees in the late 1930s were playing exhibition games in Tokyo, Japan. As they were playing, Moe Berg, who was a third-rate catcher, was on top of buildings taking photos of different cities and different industrial sites. I guess the military wanted information on those cities. That was Moe Berg.

In order to get a conversation started with Joe DiMaggio, I said, "Hey, Joe, do you remember a fellow by the name of Moe Berg?" His eyes lit up, and he told me a story about Moe Berg coming to the Yankees, and at that time making maybe \$4,000 a year. Moe asked Joe if he could stay the weekend with him while

he got settled. Joe said, "Fine." He stayed the whole summer. Whenever Joe would have guests over for dinner or a social, he would go into his living room, and there would be Moe Berg's laundry hanging across the living room, with his socks and shorts all over the place. I found it a very amusing story.

A few years later, Joe was holding a golf tournament in Atlantic City and invited my wife and I to attend. We were quite excited about it. My wife had taken out her ball glove. It was one of those 1930 baseball gloves that did not have a pocket in it. She went outside and had a game of catch in the backyard with the children. Because there was no pockets in the glove, the ball had gone through her hand and hit her in the eye. Of course, she had a black eye. When we went down to Atlantic City, she was wearing sunglasses. At the social prior to the dinner, I took off her glasses and showed Joe DiMaggio the black eye. I said, "Joe, she was catching a ball with one of your mitts, and this is what happened." He knew exactly what I was talking about, because if you go down to the Hall of Fame in Cooperstown, you will see there an old glove of Joe DiMaggio's that does not have a pocket. That is one of the reasons why, when Joe DiMaggio caught a ball, he always used two hands.

I just thought I should mention the relationship I had with Joe DiMaggio, one of the great ball players of our era. The legend is gone, but the memories stay on.

[Translation]

QUESTION OF PRIVILEGE

Hon. Marcel Prud'homme: Honourable senators, on Tuesday last, the Standing Committee on Privileges, Standing Rules and Orders deliberated, chaired by Senator Maheu. There was a discussion on the committee's report — I do not want to go back over the discussions — and it was agreed that the report was to be tabled in the Senate.

The Hon. the Speaker: Senator Prud'homme, I am sorry to interrupt, but senators' statements must not relate to events outside the Senate. If you will indicate that is what you want to do I will hear you.

Senator Prud'homme: Honourable senators, I am sorry, I knew now was the time to bring this up, but I forgot to tell you this has to do with the question of privilege I raised last week.

I will not mention what happened last week, as everybody was here. A committee sat on Tuesday, March 2, with order to table its eighth report in the Senate. The report could have been tabled on Wednesday, March 3; it was tabled on Thursday, March 4. To my surprise, however, only part of the report was tabled. As I considered myself directly targeted under rule 59(10), page 62, I immediately raised the question of privilege, which did not require notice. I nevertheless gave notice on behalf of the independents if they so wished, even if it was not necessary.

I therefore had to raise the question today, to report exactly the events of Tuesday, March 2, and Thursday, March 4, but I understand the committee will sit this afternoon. I also believe there is movement in the air. Accordingly, with the permission of

the Senate, I would ask to have this question of privilege suspended until later in the week.

Believing firmly in the tenor of the question of privilege I am raising, not only in my own name, but in the name of the new independent senators, I think it would be wise to be patient a few days longer and to suspend the question of privilege I raised on Thursday. Accordingly, I do not withdraw it, but I leave it pending, since there is a meeting this afternoon. We will see how we will pursue this question of privilege.

Should you decide I must deal with it today, I will raise another question of privilege under rules 22(3), page 21, and 43(5), page 47. I spoke today to remain true to what I said I would do last Thursday, but I will say no more.

The Hon. the Speaker: Honourable senators, do you agree to suspend the question of privilege raised by Senator Prud'homme?

Hon. Senators: No.

The Hon. the Speaker: Honourable senators, there is no unanimous consent.

Senator Prud'homme: If there is no unanimous consent for me to suspend it, I have two choices: either I proceed or I drop the matter and present another under another rule.

[English]

Just to show that there is still some good faith among the independent senators, and that I refuse to play games and go ping-pong between the two major parties, I will kindly let my question of privilege lapse. I am choosing my words carefully in order to conceal my anger. I will let this question of privilege lapse, but I will not let the next one go.

•(1510)

ROUTINE PROCEEDINGS

[Later]

THE ESTIMATES, 1998-99

SUPPLEMENTARY ESTIMATES (C) TABLED

Hon. Sharon Carstairs (Deputy Leader of the Government) tabled the Supplementary Estimates (C) for the fiscal year ending March 31, 1999.

NOTICE OF MOTION TO REFER VOTE 25C
OF SUPPLEMENTARY ESTIMATES (C)
TO JOINT COMMITTEE ON OFFICIAL LANGUAGES

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Wednesday, March 10, 1999, I will move:

That the Standing Joint Committee on Official Languages be authorized to examine the expenditures set out in Privy Council Vote 25c of the Supplementary Estimates (C) for the fiscal year ending March 31, 1999, and

That a message be sent to the House of Commons to acquaint that House accordingly.

NOTICE OF MOTION TO REFER SUPPLEMENTARY ESTIMATES (C)
TO NATIONAL FINANCE COMMITTEE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I give notice that tomorrow, Wednesday March 10, 1999, I will move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (C) for the fiscal year ending March 31, 1999, with the exception of Privy Council Vote 25c.

FIRST NATIONS LAND MANAGEMENT BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-49, providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Carstairs, bill placed on the Orders of the Day for second reading on Thursday next, March 11, 1999.

CANADIAN NATO PARLIAMENTARY ASSOCIATION

MEETING OF SUBCOMMITTEE ON DEFENCE AND SECURITY
COOPERATION BETWEEN EUROPE AND NORTH AMERICA,
WASHINGTON, NEW YORK, U.S.A.—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Bill Rompkey: Honourable senators, I have the honour to table the seventh report of the Canadian NATO Parliamentary Association which represented Canada at the meeting of the NATO Parliamentary Assembly Subcommittee on Defence and Security Cooperation between Europe and North America held in Washington and New York, U.S.A., January 31 to February 6, 1999.

HEALTH

NOTICE OF MOTION TO MAINTAIN CURRENT REGULATION
OF CAFFEINE AS FOOD ADDITIVE

Hon. Mira Spivak: Honourable senators, I give notice that on Tuesday next, March 16, 1999, I will move:

That the Senate urge the Government of Canada to maintain Canada's current regulation of caffeine as a food additive in soft drink beverages until such time as there is evidence that any proposed change will not result in a detriment to the health of Canadians and in particular to children and young people.

SECURITY IN EUROPE

NOTICE OF INQUIRY

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that on Thursday next, March 11, 1999, I will draw the attention of the Senate to the Canada-Europe Parliamentary Association (OSCE) Delegation to the standing committee meeting of the parliamentary assembly of the Organization for Security and Cooperation in Europe held in Vienna, Austria, from January 14 to 15, 1999, and to the situation in Kosovo.

QUESTION PERIOD

CORRECTIONAL SERVICE

INSTRUCTIONS TO STAFF TO BOOST RELEASES OF INMATES—
EFFECT ON PUBLIC SAFETY—GOVERNMENT POSITION

Hon. Donald H. Oliver: Honourable senators, before putting my question, I would like to state that you, Your Honour, said earlier today that you saw three more people standing who intended to speak on Senators' Statements. There were four senators, as I stood on four different occasions to be noticed. I just wanted you to know that I was standing, and therefore there were not just three senators waiting to speak, but four.

My question is for the Leader of the Government in the Senate. Canadians are shocked to learn that federal wardens in Ontario prisons have been instructed to boost inmate release by 69 per cent by the end of the year. Commissioner Ole Ingstrup has instructed parole officers to ignore technical parole breaches, such as alcohol use and association with criminals, in determining release.

In a memo, Mr. Ingstrup called for a 50-50 quota split between convicts in prison and those on parole by the year 2000. This is now like a virus in the system.

My question is this: Will the Leader of the Government in the Senate confirm that the Liberal government is promoting a quota system for release of Canadian prisoners?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, the answer is absolutely not. My response is completely in the negative.

Senator Oliver: The CSC is bullying the National Parole Board and individual wardens into meeting this quota and implementing a 12-step reintegration program. The government has a fiduciary duty to protect Canadians, first and foremost. By releasing more prisoners and ignoring the safeguards currently in place, this responsibility is being ignored. The Solicitor General must take responsibility for this cost-cutting measure.

Can the Leader of the Government in the Senate explain this outrageous decision to those Canadians who have fallen victim to the crimes of repeat offenders?

Senator Graham: Honourable senators, my response to Honourable Senator Oliver's first question was in the negative. There have never been quotas for the release of offenders. Safety is Correctional Service Canada's first priority. It remains paramount in all decisions affecting offenders.

Senator Oliver: Would the honourable leader undertake to investigate the questions that I have put to him, and return to the house at the appropriate time and reconfirm that the statements that I have made are therefore incorrect?

Senator Graham: Honourable senators, if my answers are incorrect, I should be happy to bring forward any corrections to my statements.

In passing, I will say that Correctional Service Canada is doing a better job of preparing offenders for a safe return to society. A gradual return of those offenders who are ready to be integrated into the community is the best method of protecting the public, in my opinion.

The Hon. the Speaker: Honourable senators, before I call on other honourable senators, I wish to comment on the statement by the Honourable Senator Oliver regarding my statement that there were three honourable senators waiting to speak and not four.

I had indeed seen the Honourable Senator Oliver standing. However, I had been advised that you had indicated earlier that although you wished to make a statement, if there was a long list you were prepared to put it over to the next sitting. It was on that basis that I did not add your name to the list at that time.

Senator Oliver: With respect, there were still four. You could have said, "There are four and I will hear three." That is my point.

The Hon. the Speaker: I try my very best to be fair to all honourable senators. I acted on your statement that there was no rush for you to make your statement today.

CANADIAN HERITAGE

REMOVAL OF POSTAL SUBSIDY FOR CATHOLIC PUBLICATIONS— GOVERNMENT POSITION

Hon. Douglas Roche: Honourable senators, my question is directed to the Leader of the Government in the Senate. A bureaucratic decision in the Department of Canadian Heritage

has taken away the postal subsidy under the publications assistance program for a number of Catholic publications. The reason given for this ruling is that the publications concerned are pooling their coverage of Canada, rather than originating each story in their own publication.

This ruling is both bizarre and absurd. It threatens to put the Canadian Catholic press and religious press of other denominations out of business at the very time that, through Bill C-55, the government is trying to protect Canadian publications.

Knowing that the government leader will be as horrified as I was at this unfathomable and cruel blow to religious journalism, will the leader assure the Senate today that the government's political sense will come to the fore, overturn this ruling and permit Catholic publications to continue making a contribution to the well-being of our society?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I would be pleased to bring Senator Roche's representations to the attention of the government, and in particular those most responsible. I see Senator Murray in his place, and I know that Senator Stewart is normally in his place in the chamber. Both senators would be very familiar with *The Casket*, which is the newspaper for the Diocese of Antigonish in my home area. It is an excellent paper. It also serves as the local community paper in Antigonish and the surrounding communities.

•(1520)

Senator Roche is referring presumably to the wider community of not only the Catholic press but other religious newspapers. I believe he is referring to a story in the newspaper which indicated that they have been notified that they did not meet the original-content criteria but continued to receive funding. However, they have not yet been de-registered from the postal subsidy.

Although it would appear that the *Catholic Register* and other newspapers that fall into that category do not meet all of the criteria of the programs, it is my understanding that they have been informed that they may provide additional information to help in the assessment of their eligibility.

I most certainly will bring the representations made by Senator Roche to the attention of those responsible for this matter.

Senator Roche: Honourable senators, I notice that the Leader of the Government did not attempt to defend this bizarre ruling that was made at the bureaucratic level. It is not a question of the papers not meeting the criteria. Rather the criteria, which were arbitrarily set at a bureaucratic level, are absolutely absurd and go against the very intention of the government in sponsoring and fostering Canadian publications with Canadian content.

To indicate the importance of this, here is the current edition of the *Western Catholic Reporter* which states:

Catholic press under attack — Gov't ruling could spell end of Canadian news service.

I draw that respectfully to the attention of the Leader of the Government in the Senate so he will bring the representations forward with some urgency.

Senator Graham: Honourable senators I will carry those representations forward with urgency. I want to point out that publishers have been notified that they have, I believe, 30 working days from the date of the notice of de-registration in which to request a review of the decision.

As I said earlier, I shall bring Senator Roche's representations and, I am sure, the concerns of all honourable senators to those responsible for matters of this kind.

TREASURY BOARD

EFFECTS OF ARRIVAL OF YEAR 2000 ON WORKING OF GOVERNMENT—PRESENCE OF GOVERNOR GENERAL AND PARLIAMENT IN CAPITAL—GOVERNMENT POSITION

Hon. Lowell Murray: Honourable senators, I wish to ask several questions of the Leader of the Government in the Senate concerning the Y2K millennium bug.

We have all received a good deal of information from the government about the steps that are being taken to ensure that health and security systems are operational in the event of any problem arising. We have also received information advising householders in the country how to prepare for and deal with any problems. We are aware that there is a good deal of cooperation between the government and business on this matter.

My interest is in the exercise of political authority, political responsibility and political accountability on this matter. Specifically, is the government satisfied that it has sufficient legislative authority at present to deal with any possible eventuality? Is consideration being given to seeking additional legislative authority? What arrangements are being taken or are in place at the political level, first ministers' level or ministerial level, between the federal government and the provinces on these matters?

Finally, in view of the fact that a great many public servants in key positions are being told to remain at their posts over the Christmas and New Year period some months from now, are the Governor General and federal cabinet ministers being asked to stay at their posts in the National Capital Region over the Christmas and New Year period? Is any consideration being given to making the same request of parliamentarians, members of the Senate and the House of Commons?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, that is a very serious matter. I hope that I will have an opportunity to stay at the Honourable Senator Murray's residence in the National Capital Region at that particular time. I know that he would be an excellent host under rather severe circumstances.

Having said that, the lead minister on this matter is the President of the Treasury Board. He has kept his colleagues

advised of the progress that is being made for any eventuality. There are ongoing consultations with his provincial counterparts.

I am not aware of any present plans with respect to additional legislative authority, nor am I aware that plans are being made with respect to the Governor General, the Prime Minister, cabinet ministers or members of the Senate and the House of Commons.

I should say that the matter is being monitored on a continuing basis. I remember at one point last year saying that progress had been made, I believe, from a 43 per cent preparedness to something in the order of 73 per cent. I understand that, as of last December — that is the last report I remember seeing — 82 per cent of the Year 2000 work on key federal services had been completed.

Overall, essential federal services are expected to be ready for the year 2000. The government has a very comprehensive and aggressive plan in place. Efforts to repair key systems are on schedule. The federal government is also working with provinces, territories and municipalities, as well as the entire private sector, to share information and solutions.

Senator Murray: Honourable senators, will the leader undertake to obtain an answer to my question concerning the presence of the Governor General and cabinet ministers in the National Capital Region over that period? Is it intended to ask them to remain at their posts here, and is consideration being given to asking Parliament to stand by over that period?

Senator Graham: Honourable senators, that is a matter on which I shall have to consult. I am pleased to do so.

I said that the President of the Treasury Board is the lead minister, and I should also say that Industry Canada is fostering private sector preparedness through key initiatives, such as the Task Force 2000 and CAN2K, rural seminars and all kinds of tool kits in this regard. All departments of government are involved, including, and probably very critically, the Department of National Defence.

Hon. Terry Stratton: Honourable senators, with respect to Y2K, I had asked a related question earlier. In the private sector when we were doing projects, it was always the last 10 per cent of the project that took about 90 per cent of the time. That is the worrisome part about trying to complete projects to 100 per cent, particularly in this instance.

PRIVILEGES, STANDING RULES AND ORDERS

NORMAL SITTING HOURS OF COMMITTEE— REQUEST FOR DETAILS FROM CHAIRMAN

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, my question is for the Chair of the Standing Committee on Privileges, Standing Rules and Orders. Can the honourable senator remind us as to the regular meeting hours of that committee?

Hon. Shirley Maheu: Honourable senators, that committee meets when the Senate rises on Tuesdays.

THE BUDGET

REFUSAL OF CANADIAN BOND RATING AGENCIES TO RESTORE TRIPLE A RATING—IMPACT OF INCREASING NUMBERS OF SENIORS ON ECONOMY—GOVERNMENT POSITION

Hon. Terry Stratton: Honourable senators, my question is related to AAA, not the American Automobile Association, but rather the Canadian bond rating agency which last week refused to restore the government's triple-A credit rating in spite of a balanced budget.

•(1530)

It warned that the federal government is exposing Canada to a potential credit crunch because the government is not cutting the debt and because it is relying on taxes to pay for new spending. It said that the government could be hit hard if interest rates go up and that, with taxes already at high levels, it would be hard to raise more money to meet these higher rates.

Has the government any figures on how much would be saved in interest if the Canadian bond rating agency were to reinstate Canada's AAA credit rating?

Hon. B. Alasdair Graham (Leader of the Government): That is an interesting question, honourable senators, and I shall attempt to bring forward an answer.

As my honourable friend has observed firsthand, the government has been working assiduously not only to reduce the deficit but to reduce the debt. The government is determined to ensure that interest rates come down. However, with respect to his question in relation to bond rating, I will attempt to bring forward a more complete answer as early as possible.

Senator Stratton: On a supplementary question, honourable senators, the same bond rating agency also warned that our ageing population and the resulting health and social security costs pose a significant risk and do not bode well for tax relief.

Why has the government failed to set a target for an acceptable level of debt-to-GDP, taking into consideration the consequences of an ageing population, so that Canadians can be certain that their government will be able to meet the costs of an ageing population with reasonable levels of taxation?

Senator Graham: Honourable senators, I believe that, were Senator Stratton to look at the documentation attached to the budget very carefully, he would recognize that the level of debt to GDP is being reduced on a consistent basis.

Senator Lynch-Staunton: But the debt itself is not going down.

Senator Stratton: My question is really directed to the fact of our ageing population and the consequences of it on our social welfare costs.

Senator Graham: Honourable senators, I appreciate that, and if there is more information that I can bring forward, I will be happy to do so.

NATURAL RESOURCES

STORAGE OF NUCLEAR FUEL WASTE ON REMOTE NORTHERN SITES—DISCUSSIONS WITH ASSEMBLY OF FIRST NATIONS—GOVERNMENT POSITION

Hon. Janis Johnson: Honourable senators, my question is directed to the Leader of the Government. Government officials met with Indian leaders in November to negotiate burying nuclear wastes in the Canadian Shield. However, both parties lay responsibility with the other for initiating these talks.

Was the land of the native people targeted as a potential nuclear waste dump site because of the lucrative monetary gains they stand to make? Were all implications of accepting such an agreement laid out?

Also, will the Minister of Natural Resources make publicly known to Canadians what other options are being considered to dispose of this nuclear waste?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, officials have sought to meet with First Nations representatives to discuss how aboriginal people should be consulted in the nuclear fuel waste issue. They are not pushing any other agenda. The government is leading on the issue of nuclear waste storage. In 1996, we made it clear that the owners of nuclear fuel waste are directly and financially liable for managing and disposing of it.

As I understand it, the Minister of Natural Resources has said that he will propose, before the end of this year, the preferred option for a federal oversight mechanism. The proposal will be over and above existing regulatory measures, to ensure that nuclear fuel waste is managed in the most environmentally sound, healthy and safety conscious manner.

I wish to assure my honourable friend that consultations will be undertaken with those who are involved.

Senator Johnson: Honourable senators, in the hearings of the Standing Senate Committee on Aboriginal Peoples on aboriginal self-governance these matters are sometimes raised. They are becoming more and more critical in light of the legislation before us dealing with land claims.

Senator Graham: Honourable senators, as I mentioned, NRCAN officials sought, I believe in November and December of last year, to meet with representatives of the Assembly of First Nations to begin discussions on how First Nations should be consulted on the nuclear fuel waste issue. No meetings have yet taken place, due only to scheduling difficulties on both sides.

NRCAN officials have been consulting with other stakeholders on what is known as an appropriate oversight mechanism. As I indicated, the Minister of Natural Resources has stated publicly that he intends to return to cabinet with the preferred option before the end of 1999. However, there will most certainly be discussions with all the stakeholders in the meantime.

Senator Johnson: Honourable senators, I am woefully ignorant of what is happening with this material now. Does the honourable leader have any idea? Where are the waste products currently buried?

Senator Graham: Honourable senators, there have been suggestions, for instance, that the government is planning to fast-track the disposal of nuclear wastes. As the honourable senator would know, the Seaborn panel made clear in December of 1998 that the government's role in this issue is to ensure that nuclear fuel waste management and disposal is carried out responsibly and in the most environmentally sound, healthy, safety conscious manner.

As I indicated, the government is consulting with all the stakeholders with respect to the present methods of disposal. I would have to look further and bring forward an answer, as appropriate, in the very near future.

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on February 4, 1999 by the Honourable Senator John Buchanan regarding the announcement of mine closings in Cape Breton, consequences of memo on closure of the Phalen mine; a response to a question raised in the Senate on February 11, 1999 by the Honourable Senator Gerald J. Comeau regarding the report on West Coast fishing communities, veracity of released version; a response to a question raised in the Senate on February 18, 1999 by the Honourable Senator Terry Stratton regarding the Prime Minister, request for details on recent vacation at Whistler, British Columbia; and a response to a question raised in the Senate on March 3, 1999 by the Honourable Senator J. Michael Forrestall regarding the crash of a Labrador helicopter in Gaspé, inadequacy of compensation paid to estate of pilot.

CAPE BRETON DEVELOPMENT CORPORATION

ANNOUNCEMENT OF MINE CLOSINGS IN CAPE BRETON—
CONSEQUENCES OF MEMO ON CLOSURE OF
PHALEN MINE—REQUEST FOR COPY—GOVERNMENT POSITION

(Response to question raised by Hon. John Buchanan on February 4, 1999)

Here follows a document issued by Devco describing the government's decision with respect to the future direction of the corporation. This document was provided to Devco employees on January 28, 1999, and was made public and widely distributed the day of the announcement.

F.Y.I. CAPE BRETON DEVELOPMENT CORPORATION CORPORATE ANNOUNCEMENT

Today, Minister Goodale and his colleagues, Senators Graham and Butts, along with Board Chairman Joe Shannon and President/CEO George White are meeting with Corporation management, union representatives and the media. During these meetings, announcements are being made of decisions regarding the future for the Corporation and its employees, as well as on economic measures for the community.

Concurrent with these meetings, site management are meeting as many employees as possible to communicate the same information.

In recent months, the Board of Directors assessed a range of options for the Corporation and made recommendations to the Government. Input was also provided to the Government from various other stakeholders. The decisions being announced today reflect consideration of all the input. The consequence of these decisions is that the Corporation finds it necessary to take the following actions:

1. At Prince colliery, the development of the North/South mine layout will continue with the first wall in this area, 1 North, being ready for production early in the 1999/2000 fiscal year. The mine plan shows that future years' production at Prince can be maintained at an annual level of approximately 1.3 million tonnes, supporting a Corporation workforce of about 500 people.

2. In the case of Phalen colliery, the Board of Directors, having assessed the mine in terms of safety risk, geological risk and financial risk, have decided not to proceed with further development of the main slopes nor the levels previously anticipated as a result of the most recent mine plan. Operating activity will be curtailed to only that required to produce the coal from 8 East, which came into production last fall. The production from 8 East is expected to take approximately eighteen months to complete. When production on 8 East ceases, the mine will be closed.

It is important to understand that circumstances could develop which would mean an immediate closure of the Phalen colliery before the planned time frame is achieved. These circumstances would include any increased safety concerns; major geological occurrences, or, any deterioration of employee commitment leading to productivity levels lower than forecast.

In order to mitigate the impact of these actions on the employees of the Corporation, the communities and the economy of Cape Breton, the Government of Canada has committed further funding of approximately \$111 million to implement the following programs:

The introduction of an additional Early Retirement Incentive Program (ERI) that is forecast to provide benefits for up to 340 more employees at an annual benefit of up to \$22,900 consistent with the 1996 program. These employees, who by the end of December 1998, were 48 years of age and will have a total of 75 points by the time they turn 50 will have an opportunity to draw ERI benefits. This program will include ERI benefits to 223 employees by December 1999 and 117 more employees by December 2000.

Approximately 650 additional employees, who are not eligible for ERI, will be provided with a severance package which for most employees will yield an enhanced benefit level to that previously available. The severance package will be specific to each employee's years of service. The enhancements to the severance will be specific to this workforce adjustment and will be in effect over the remaining life of Phalen colliery. Application of this package will be reviewed in detail with each of the bargaining units relative to their respective collective agreements.

A retraining program will be developed in partnership with the management and unions of the Corporation as well as the University College of Cape Breton, the Nova Scotia Community College, CB Business College and the Human Resource departments of the federal and provincial governments. Up to \$5 million has been set aside for this program which will allow employees who take a severance package to be reimbursed for training expenses up to a maximum \$8000.

Other components of today's announcements include:

A decision that the \$69.0 million which CBDC borrowed from the Federal Government since 1996 is no longer a repayable obligation of the Corporation.

A decision that the Federal Government will initiate a process to sell CBDC's operations. It is important to note that should a buyer be found, any final sales agreement will require approval by the CBDC Board, the Federal Government and Parliament. There will be an opportunity for all stakeholders to provide input during this process.

The government is also recognizing that the impact of the decisions relating to the operations of Cape Breton Development Corporation will be felt throughout the

economy of Cape Breton. To help mitigate this impact, \$68.0 million in new funding has been approved by the Federal Government for an economic adjustment strategy. The details of this strategy will be developed in consultation with the community over the coming months.

During today's announcements, Mr. Shannon acknowledged the personal commitments of Minister Goodale and Senator Graham noting that without their efforts and support the workforce adjustment package and economic development measures would not have been possible. He also commended the employees of the Corporation for their patience and dedicated efforts throughout a difficult and uncertain period.

The "FYI" document simply identifies certain hypothetical events that could have negative repercussions on the best of employment expectations. The government hopes that no significant safety risks arise. The government hopes that no major geological disruptions will occur. The government hopes that acceptable productivity levels will be maintained. This is in everyone's best interests.

Nevertheless, it must be acknowledged that hypothetical events cannot be entirely ruled out and are largely beyond management's prevention or control. Devco's candid and up-front approach with its employees was a sound and reasonable business practice.

Miners in receipt of severance payments will not be able to receive employment insurance benefits immediately.

Severance pay constitutes earnings and will be considered when a claim is filed. It will be allocated at normal weekly earnings from the date of the lay-off.

The allocation is such that the total earnings are, in each consecutive week except the last, equal to the claimant's normal weekly earnings from that employment.

However, under the current legislation, the window of time that a claimant can receive benefit is extended by reason of the allocation of severance payments. The length of the benefit period including any extension cannot exceed 104 weeks.

FISHERIES AND OCEANS

REPORT ON WEST COAST FISHING COMMUNITIES—
VERACITY OF RELEASED VERSION—GOVERNMENT POSITION

(Response to question raised by Hon. Gerald J. Comeau on February 11, 1999)

Mr. Gislason's most recent work was conducted throughout the summer and into the early fall of 1998. By September, when the report was complete, much of its

information and recommendations were already being implemented, as the delivery of the new Canadian Fisheries Adjustment and Restructuring (CFAR) measures was well under way.

As such, a report that summarized the Gislason work and also reflected the progress being made by the department was prepared. Initially, it was planned that this summary, along with the original report, would be released in concert with expected announcements on recreational fishing and early retirement, and an announcement from WD on community economic adjustment. Unexpected delays in these program announcements resulted in unplanned delay in release of these reports. The summary report was made available to the public in January, as was the full report.

Mr. Gislason has been part of several studies for the federal and provincial governments to provide greater understanding of fisheries issues on the West Coast.

Mr. Gislason's reports include:

The Economic Value of Salmon:
Chinook and Coho in British Columbia
February 1996

Fishing for Answers:

Coastal Communities and the B.C. Salmon Fishery
September 1996

Fishing For Money:

Challenges and Opportunities in the B.C. Salmon
Fishery
June 1998.

All of these reports informed the development of the Government of Canada's announcement of a \$400 million restructuring package (Canadian Fisheries Adjustment and Restructuring) announced in June 1998.

The government believes Mr. Gislason's numbers reflect what might more accurately be called work shrinkage, rather than jobs lost. Lost jobs indicate that people were actually laid off. It is the government's understanding that the numbers Mr. Gislason is using consist of a roll-up of the lost work weeks of employment that have resulted from less time spent employed in either fish processing, fishing or in the recreational sector. As a result the actual job losses are much smaller. The government has a major \$400M response in place, involving DFO, HRDC, and Western Economic Diversification providing assistance to individuals and communities to address the impacts of the recent changes in the salmon fishery.

The mandate of the Minister of Fisheries and Oceans is restricted to fishermen. Plant workers and other allied workers are the responsibility of the Province, and as a result, it is difficult for the federal government to challenge

numbers in those sectors. As part of the process to implement a cost-shared early retirement program, the Department of Fisheries and Oceans and the Province are currently working with Mr. Gislason to determine if common understanding can be reached on real job loss in the fishery. The federal government has committed \$20 million to an early retirement program for fishers on the West Coast. Other programs are available through regular and supplemental initiatives through Human Resources Development Canada.

PRIVY COUNCIL OFFICE

PRIME MINISTER—REQUEST FOR DETAILS ON RECENT VACATION
AT WHISTLER, BRITISH COLUMBIA

(Response to question raised by Hon. Terry Stratton on February 18, 1999)

The Department of National Defence provided a Challenger aircraft for the trip. For security reasons, this is the usual method of travel for the Prime Minister when an aircraft is warranted. The Department of National Defence makes Challenger logs, including passenger lists, available to the public on a routine basis.

NATIONAL DEFENCE

CRASH OF LABRADOR HELICOPTER IN GASPÉ—
INADEQUACY OF COMPENSATION PAID TO ESTATE OF PILOT—
GOVERNMENT POSITION

(Response to question raised by Hon. J. Michael Forrestall on March 3, 1999)

This is a tragic case and it is no doubt a difficult time for Captain Musselman's family. The Department is well aware of this case and we have received several letters from Captain Musselman's family. We are actively looking into this complex issue and we hope to have it resolved in the not-too-distant future.

BUSINESS OF THE SENATE

ALL COMMITTEES AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Leave having been given to revert to Notice of Motions:

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I move, seconded by the Honourable Senator Callbeck:

That, with leave the Senate and notwithstanding rule 58(1)(a), all committees have power to sit at 3:30 p.m. tomorrow, Wednesday, March 10, 1999, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

ORDERS OF THE DAY

CRIMINAL CODE CONTROLLED DRUGS AND SUBSTANCES ACT CORRECTIONS AND CONDITIONAL RELEASE ACT

BILL TO AMEND—THIRD READING

Hon. Wilfred P. Moore moved the third reading of Bill C-51, to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act.

Motion agreed to and bill read third time and passed.

INTERNATIONAL SEARCH OR SEIZURE BILL

SECOND READING—DEBATE ADJOURNED

Hon. Gérald-A. Beaudoin moved the second reading of Bill S-24, to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada.

•(1540)

He said: Honourable senators, Bill S-24 is entitled, an Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada.

Clause 3 of Bill S-24 provides that:

Before making a request to a foreign or international authority or organization for a search or seizure outside Canada for the purpose of an investigation of an offence, a competent authority shall apply to a judge or justice for an order authorizing the request.

[Translation]

The purpose of this provision is to protect individuals in Canada against search or seizure outside Canada. When a citizen is being investigated with respect to an alleged federal offence, the attorney general concerned will have to obtain a judge's authorization, as is now the case for an investigation in Canada. Canadians are protected in Canada by the Canadian Charter of Rights and Freedoms. Outside Canada, they may be protected by the Charter under certain circumstances, as set out in *Cook*, 1998.

[English]

This enactment requires Canadian standards to be respected when Canadian authorities ask a foreign or international

authority to carry out a search or seizure in respect of a person or property outside Canada, no more, no less. This bill concerns the future only. It has no retroactive effect.

[Translation]

Clause 4 provides that a competent judge, who may hear the application *ex parte*, must be satisfied that it meets the standards established under the Canadian Charter of Rights and Freedoms and, if it does, may make an order authorizing the request, as required by clause 5 of the bill.

The case law on search and seizure can be summed up as follows.

Section 8 of the Canadian Charter of Rights and Freedoms provides for general protection against unreasonable search and seizure. This guarantee applies to both physical and moral persons. Section 8 therefore protects the right to privacy, regardless of the method used. But this protection is not absolute.

The courts have defined the notion of "unreasonable" as used in section 8. In fact, for a search or seizure to be "reasonable," as opposed to "unreasonable," it must, according to the Supreme Court of Canada in the 1984 *Hunter* case:

- (i) have been pre-authorized
- (ii) by a neutral and impartial party, who must act judicially,
- (iii) on reasonable and probable grounds, mere suspicion not sufficing, and
- (iv) be carried out in a reasonable manner.

An illegal search or seizure will, *prima facie*, be unreasonable. A legal search or seizure can be ruled unreasonable if it is conducted in an unreasonable manner. In addition, it would be very difficult to justify as "reasonable" under section 1 of the charter a search or seizure that is ruled unreasonable.

Let us be clear that violating the physical integrity of an individual is the most serious offence possible. This is followed by violation of the home and the office.

[English]

Thus far, the courts have made a distinction between seizures in criminal matters and seizures in administrative matters. The criteria of the *Hunter* case outlined above apply rigorously to seizure in criminal matters.

[Translation]

Also, in *McKinley Transport*, in 1990, the Supreme Court stated that the greater the intrusion on the right to privacy, the more the guarantees in the *Hunter* decision must be respected.

[English]

Let me now say a few words about the *Schreiber* case of 1998.

[Translation]

“The fact that the Minister of Justice for Canada requested seizure of the banking documents by the Swiss authorities does not convert the request into the sort of government action that is limited by s. 8,” according to the majority of the Supreme Court in *Schreiber*.

The facts are as follows: As part of a Canadian criminal investigation, the Canadian Department of Justice sent a letter to the Swiss authorities requesting assistance in gaining supporting evidence. No authorization was obtained before this letter was sent. The Government of Switzerland complied with the request by the Government of Canada, and the documents relating to Mr. Schreiber were seized. Mr. Schreiber does not contest the actions of the Government of Switzerland. He does, however, feel that the Government of Canada ought to have obtained a search warrant or a prior judicial authorization before sending the letter to the Government of Switzerland. The majority of the Supreme Court judges rejected this argument. As a lawyer myself, I am, of course, the first to bow completely to the Supreme Court judgment. As I will be saying in a few minutes, Parliament can legislate in order to improve our system.

[English]

Madam Justice Claire L’Heureux-Dubé, who is writing for the majority, is of the opinion that the Canadian Charter does not apply to a foreign government and that the Charter, our charter, has not been violated.

Chief Justice Lamer came to the conclusion that section 8 of the Charter does apply because the Canadian authorities are at the origin of this search and seizure but that Schreiber had no expectation of privacy. The Chief Justice then wrote, at page 857, that:

In other words, a person who has property or records in a foreign state runs a risk that a search will be carried out in accordance with the law of that state. He can not “reasonably expect” that this will not happen, if the laws of the state clearly permit it. Of course, in Canada, the prevailing domestic law must itself be measured against the Charter to determine whether it violates the constitutional privacy right which s. 8 guarantees... However, this court is much more reluctant to measure the laws of foreign states against guarantees contained in the Canadian Constitution. At the same time, if use of the evidence obtained on the strength of foreign laws affected the fairness of a trial held in Canada, it could be excluded under a combination of ss. 7 and 24(1) of the Charter —

•(1550)

Mr. Justice Gonthier and Mr. Justice Iacobucci dissent. They are of the opinion that the seizure of bank accounts outside

Canada without a judicial preauthorization violates the right of privacy.

[Translation]

In reaching this conclusion, Mr. Justice Iacobucci bases his decision on a broad and liberal interpretation of section 8 of the Charter, which addresses the individual and assigns no importance to where the seizure takes place. The strength of section 8 lies in its protection of the individual prior to — and this is the heart of the problem — the search or seizure. In this connection, Mr. Justice Iacobucci states on page 866:

[English]

Section 8 would have very little value as a guarantee to the right to privacy if it operated only to exclude, *ex post facto*, information obtained in an unreasonable manner; by that time, the individual’s privacy has already been violated and the personal and intimate information is in the hands of the authorities.

[Translation]

While agreeing that the Government of Switzerland was not subject to the provisions of the Charter, Mr. Justice Iacobucci of the Supreme Court still felt that Schreiber had reasonable expectations of privacy, and the Canadian authorities should have had to obtain a warrant before sending the formal request to the Swiss authorities.

[English]

I agree that they are dissenting judges. They are not judges in the majority.

[Translation]

He explained on pages 872-873:

[English]

The search and seizure was initiated by the Government of Canada by formal request to the Government of Switzerland in the absence of a treaty. The request was in furtherance of a Canadian investigation presumably leading to prosecution of a Canadian in Canada for an alleged violation of the Canadian Criminal Code. The right to privacy, as it has been interpreted under the Charter, protects people and not places. The impact on the individual of a search and seizure of bank records is the same whether the search and seizure took place in Canada or in Switzerland. The respondent has a reasonable expectation of privacy with respect to banking information no matter where the accounts are held. It is entirely reasonable, in my view, that the respondent should expect that Canadian authorities will not be able to request the assistance of Swiss authorities in obtaining his Swiss bank records without first obtaining some form of judicial preauthorization in Canada.

[Translation]

To get back to Bill S-24, we consider, in the light of requests in previous years, that this process of judicial preauthorization may be properly managed and will not mean exorbitant costs. According to the figures provided by the Department of Justice in the affidavit accompanying the brief of the Attorney General of Canada in *Schreiber*, Canada made 79 requests in 1992; 80, in 1993; 137, in 1994; 109, in 1995 and 87 in 1996. We do not have the figures for 1997 and 1998, but I expect that the officials of the Department of Justice could provide us with them at an appropriate time.

I note as well that Bill S-24 does not infringe on the mutual assistance treaties binding Canada and a number of foreign governments. I think there are 16.

[English]

In conclusion, the purpose of Bill S-24 is to improve the protection of the right to privacy in Canada.

I should say a few words about the definition found in clause 2 of Bill S-24.

[Translation]

A foreign public official is a person who holds a legislative, administrative or judicial position of a foreign state, or who performs public duties or functions for a foreign state. This is not my definition. It is based on the definition in section two of the Corruption of Foreign Public Officials Act, which was given Royal Assent on December 10, 1998.

As defined in this act, the competent authority is the Attorney General of Canada, the attorney general of a province or any person or authority with responsibility in Canada for the investigation or prosecution of federal offences.

A foreign state means a country other than Canada. More specifically, it includes any political subdivision of the foreign state, including its government, and any department or branch, as well as any agency of that country or of a political subdivision of that country. This definition is taken from the Corruption of Foreign Public Officials Act mentioned earlier.

The offences covered under this bill are federal in nature. This bill is therefore limited to federal acts and regulations.

The designation of competent judge varies according to province. "Justice" has the same meaning as in section 2 of the Criminal Code.

Clause 6 of the bill provides for the replacement of the definition of "judge" in the event that Bill C-57 comes into force before this bill, so as to reflect Nunavut's legal system.

The Hon. the Speaker: Honourable senators, I am sorry to inform the honourable senator that his time is up. Is leave granted for him to continue?

Senator Beaudoin: May I have leave to finish my remarks?

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

[English]

Senator Beaudoin: It does not state in Bill S-24 that the Canadian Charter of Rights should apply to a foreign state which, of course, is impossible. What we are asking for is that a competent Canadian authority, such as the Attorney General of Canada or the attorney general of a province, comply with the Charter when an inquiry in Canada is launched and that, before a request is made to a foreign country, a judicial preauthorization take place. Canadian authorities should respect the Charter before they make a request to a foreign country for search and seizure.

Bill S-24 is within the legislative sphere of the Parliament of Canada. Of course, there is a judgment of the Supreme Court of Canada, and I agree with it entirely. However, the Supreme Court has often invited the Parliament of Canada and the legislatures of the provinces to occupy their field in matters of rights and freedoms.

•(1600)

I do not want, at this stage, to start a debate on the separation of powers between the judicial, the executive and the legislative branches of the state. This basic separation of powers remains completely intact. Our courts are strong and independent. We cannot, however, pretend that we have government by judges. We have reached a good equilibrium between the three main powers of the state in our country.

With Bill S-24, Parliament is only invited to occupy its legislative field. We may always improve our system of law in the domain of rights and freedoms, and we should be more liberal in the field of rights and freedoms.

The Senate, needless to say, is a legislative house. That is its first duty and its "raison d'être." Bill S-24 is of general application. It concerns the offences to federal legislation. It is not concerned only with bank accounts outside Canada. Its application is much broader. It concerns search and seizure and, consequently, deals with the right to privacy generally.

[Translation]

The Hon. the Speaker: Before other senators take the floor, I must tell the you that I have made an error. Because you were the sponsor of the bill, you were entitled to 45 minutes. I should therefore not have interrupted you.

[English]

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, perhaps Senator Beaudoin could explain whether this bill speaks to the issue of the seizing or the securing extraterritorially of bodily substances to be used for DNA analysis. As the honourable senator knows, the warrant system in place for the domestic seizure of bodily substances for DNA purposes is covered by legislation that this house examined a couple of years ago. Would clause 3 apply in that instance?

Senator Beaudoin: Since the purpose of this bill is to put on the same level searches or seizures inside Canada and outside Canada, we should apply the same principle.

Honourable senators, my impression is that the debate on the DNA issue is not over yet. The Standing Senate Committee on Legal and Constitutional Affairs has studied something in this regard. However, if a warrant is necessary in Canada, this bill may have the effect of extending that obligation when a Canadian authority makes a request of a foreign authority. The bill relates only to one point.

I favour the dissenting opinions of the two judges. I know that I am bound by the judgment of the majority. However, if we follow the dissenting opinions, we improve our law system in our country, which is always a good goal. If DNA tests are subject to warrant inside Canada, they would therefore be mandatory when made by a Canadian authority outside Canada.

Senator Kinsella: My understanding is that the warrant is necessary.

Senator Beaudoin: In Canada.

Senator Kinsella: Perhaps the committee studying the bill could examine this matter in the fullness of detail it requires.

On motion of Senator Carstairs, debate adjourned.

PRIVILEGES, STANDING RULES AND ORDERS

EIGHTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the eighth report of Standing Committee on Privileges, Standing Rules and Orders (joint committees), presented in the Senate on March 4, 1999.—(*Honourable Senator Maheu*).

Hon. Shirley Maheu moved the adoption of the report.

Motion agreed to and report adopted.

[*Translation*]

OFFICIAL LANGUAGES ACT

PROGRESSIVE DETERIORATION OF FRENCH SERVICES AVAILABLE TO FRANCOPHONES OUTSIDE OF QUEBEC— INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the Inquiry by the Honourable Senator Simard, calling the attention of the Senate to the current situation with regard to the application of the Official Languages Act, its progressive deterioration, the abdication of responsibility by a succession of governments over the past 10 years and the loss of access to services in

French for francophones outside Quebec.—(*Honourable Senator Corbin*)

Hon. Eymard G. Corbin: Honourable senators, I note that the days allocated for this inquiry by Senator Simard are coming up to day fifteen. I am taking the floor today in order to keep this inquiry on the Order Paper. By speaking, I will move it back to the top of the list. My apologies to my colleagues for not raising the matter earlier.

As some of you are already aware, I had the honour of accompanying His Excellency, the Governor General, to Africa, where we spent two weeks, and hence was absent from here. I had proposed to raise this matter the day before I left, but we were asked to have our luggage packed and brought over to Rideau Hall a day earlier than planned.

I can tell you that, when I do address this matter in the very near future, I shall be speaking on the teaching of French as a second language. This issue is rarely raised, perhaps never, in this place, and yet, in my opinion, it is vital in a context of national unity, in my opinion. I move the debate be adjourned.

Order stands.

•⁽¹⁶¹⁰⁾

[*English*]

NATIONAL DEFENCE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Forrestall calling the attention of the Senate to the Liberal cancellation of EH-101, and the state of Canada's Labrador and Sea King helicopter fleets.—(*Honourable Senator Berntson*).

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, I should like to continue the debate on the inquiry of the Honourable Senator Forrestall, who has called our attention to the cancellation by the government of the EH-101 helicopter purchase and the state of Canada's Labrador and Sea King helicopter fleets.

The honourable senator initiated this debate on December 2. Since that time, as we have been holding our breath with regard to the Labrador fleet, there have been a number of serious incidents with that same Labrador fleet, one as recent as last week. Those who keep account of these things, as I am sure the members of the family of the crews of that ancient equipment do, will know that there have been some nine incidents within a month. Some suggest there may be many more that we do not know about. Furthermore, the government has delivered a budget, which we will soon be examining in debate in this chamber. However, I note that there were no additional funds for capital expenditure to replace the unreliable Sea King fleet.

Some suggest, honourable senators, that the present government is demonstrating a fair level of disregard for the Sea King and Labrador crews and their families. Some even suggest that evidence of this lack of regard is a story of how the government treated the late Captain Musselman's family, as was alluded to earlier in today's proceedings. Captain Musselman's family sought to secure themselves of the pilot's terminable allowance but they were not successful. Rather, the government was successful in saving itself \$50,000 from his pilot terminable allowance, commonly referred to as a flight bonus.

We have all had various experiences in public administration and there are rules and regulations. However, the incidents of this pilot and the tragedy that his family has suffered suggests that this failure on the part of the government should be placed under a certain spotlight. The government felt that they had the right to keep the \$50,000 on the technical basis that the good captain died in active service, flying an aircraft which we have been suggesting is unreliable, the Labrador, because it is too old. This is the technical position the government has taken in order to say that the family could not have that \$50,000, that because the captain was flying in a category of service called "active service" he could not finish out his last four years of flight service. That is how much time he was short of receiving the full benefit.

Additionally, we have not found too many members on the government side in this chamber standing to participate in this debate. The record certainly shows that Senator Forrestall has been providing a great deal of opportunity, in his questioning, observations, statements and speeches, but the government side remains silent. Certainly, it has not been participating in this debate. That leads to one of two conclusions: Either they do not care, and I do not believe that, or they find that the government's lack of initiative in dealing with the state of affairs affecting the Sea King fleet is one they cannot and do not support. Therefore, they remain silent.

Honourable senators, you may recall we had the opportunity to question the Chief of Defence staff before one of our standing committees about the consequences to the careers of the pilots should they choose not to fly that equipment. We were told by the government that after that crash the crews were not required to fly them if they felt insecure in flying that equipment. The Chief of Defence Staff told us a different story. He told us that if they refused to accept that assignment they would be transferred out, knowing full well that that would hardly go under the "commendable" column in their records.

There are serious problems here. None of it, I believe, is based on ill will on anyone's part; however, it does speak to a material problem. We have a fleet of aircraft proven to be unreliable. The government has been failed to secure the right equipment to enable our armed forces to do the necessary coastal assignments, Coast Guard assignments, search and rescue assignments and the other duties which are assigned to them.

Honourable senators, I would therefore like to invite our colleagues on the other side to join in this debate and show

Canadians, particularly the Labrador and Sea King communities, that they do care about the two fleets and the people who must fly them, and that the government has a plan of action which we would love to hear.

On motion of Senator Atkins, debate adjourned.

THE BUDGET 1999

STATEMENT OF MINISTER OF FINANCE—INQUIRY—
DEBATE ADJOURNED

Hon. John Lynch-Staunton (Leader of the Opposition) rose pursuant to notice of February 18, 1999:

That he will call the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 16, 1999.

He said: Honourable senators, a number of my colleagues, who are much more knowledgeable in such matters than I, will, during debate on this inquiry, analyze a number of aspects of the budget presented in the House of Commons on February 16. My comments are more general in nature and are limited to the budget process itself, to the dismissal of some disturbing observations by the Auditor General and to the distortions and fabrications constantly repeated on the supposed fiscal irresponsibility of the Mulroney government.

There was a time when tradition willed that a budget be veiled in absolute secrecy until the moment a Minister of Finance stood in his place and began reading the budget. There are instances of ministers resigning because of budget information, no matter how trivial, being revealed before it became public. In recent years, however, in Canada anyway, this strict confidentiality rule has been relaxed, and I believe for the better.

Public pre-budget consultations begin months before its presentation. The Prime Minister and Minister of Finance give not too subtle hints of its contents as the budget date approaches. Ministers most benefiting from the budget can hardly hide their delight while not so fortunate colleagues sulk with envy. It has come to the point where any formal budget announcement has usually been public knowledge for days, if not weeks, before it is confirmed, while budget day itself is being transformed more and more into a public relations exercise of self-congratulation as sustained applause follows the slightest ministerial boast by an eager caucus of admirers.

•(1620)

While allowing broad input during the pre-budget period is to be applauded, its significance is severely limited by the fact that, once a budget is presented, that is, for all practical intents and purposes, the end of the process.

Here is how the House of Commons précis of procedure explains it:

It is well known that the tax changes proposed in the Budget are put into effect immediately. However, these changes have not, at this point, actually been enacted into law, since the Minister tables only the notices of Ways and Means motions with the Budget — the legislation flowing from these motions has not yet reached even first reading stage. Until such legislation is passed (and this can take many months or even years), with a provision for retroactive application, the collection of these taxes is actually voluntary, and legally cannot be enforced.

Surely, if it is found advantageous to consult before a budget is prepared, additional consultations prior to its actual implementation would at least be equally valuable. There are those who will object as endless delays might occur, but these can be easily offset by defining appropriate schedules and deadlines. No doubt the Leader of the Government will agree that had post-budget consultations of the sort suggested been in force at the time, the 1982 budget presented by his mentor and our former colleague Allan J. MacEachen would have been altered as part of a parliamentary process and not as a result of an unprecedented and humbling public outcry which forced a most embarrassing retreat, even more than that suffered by Walter Gordon in 1963.

Right now, Parliament's contribution to the budget is minimal, largely limited to recommendations from its Finance Committee. Discussions in caucus and high-level meetings between government officials and various interested parties may be valuable but are held behind closed doors. Surely, a budget debate would take on more significance if it were held before and after tabling and before implementation. As it is, once presented, it is a *fait accompli*, even before the first comment is uttered, so that no matter how eloquent, impressive or persuasive one's argument, it has no direct impact on the budget itself, as the Minister of Finance and the government are notorious for holding to their original position, whatever the Parliamentary outcry.

In the case of the 1963 and 1982 budgets, the government of the day backed off only in the face of strong objections across the country, while Parliament was no more than a spectator. The same parliamentary impotence is found when the Estimates are tabled.

In a speech delivered only last week in Regina, the leader of the Progressive Conservative Party touched on this by deploring Parliament's declining influence. He said:

Modern government is complex, structured, overworked, expected simultaneously to deal with new problems and new constraints. How would modern government be improved by a more active Parliament?

The answer is clear. Governments, in a democracy, work better if they are accountable. In our system, that accountability should be to Parliament. Yet there is virtually no real accountability now, and there has not been for a long time. One result is that having eluded the control of Parliament, government is losing its connection with the

people Parliament exists to represent. Neither the Canadian government, nor the Canadian parliament, enjoy today the legitimacy they require to be effective.

Mr. Clark goes on.

One way to begin to solve that problem is to vest in Parliament enough real control to hold the government accountable to the people's representatives.

Specifically, Parliament's control of spending must be restored. Today Parliament has no control of the spending of the government. The annual spending estimates are "deemed" to have been approved by committees on a fixed date, whether or not MPs have ever examined them. There are reasons that was done, but the result is wrong. The basic power of Parliament is that it controls spending. That is what King John conceded, all those centuries ago.

Mr. Clark continues:

I would restore control over spending, by requiring a selected number of departments to defend their spending estimates before the House of Commons, without any time limit. The Opposition would select the departments, and would announce their choices late enough that every minister, every department, would operate on the assumption that they would be called.

I urge the government to open up the budget process so that parliamentarians can be part of it as contributors and not continue as passive observers. The power of the purse has for too long been reserved to the executive, and by returning it to the legislators it would not only re-establish some lost supremacy to Parliament but re-establish some of the public's lost confidence in it.

As for the Auditor General, his role includes providing audit opinions on the financial statements of the government. He is not a government employee but an officer of the House of Commons, appointed and answerable to it. The Auditor General Act was enacted in 1977, and it was only in 1990, when the Mulroney government was in power, that he was able to state in his annual report to the House, and I quote from the Auditor General's report, 1989-90:

I am delighted to report that for the first time since the enactment of the Auditor General Act, the financial statements present fairly, in accordance with the government's accounting policies, the government's financial position, results of operations, changes in financial position, and financial requirements. My audit opinion on the government's statements is now without reservation.

There is no shame in having the Auditor General question budgetary reporting procedures or even having strong reservations which do not allow him to give a clean opinion on the government's financial statements. He is there to help, not to embarrass, and a responsible minister will heed his advice and

act accordingly. Such was the case with the Mulroney government, which made all necessary corrections following the Auditor General's advice except in one case, that of over what period of time the government's investment in Petro-Canada should be written down.

This government has not only rejected outright the Auditor General's comments on the treatment of the GST harmonization payments, the Canada Foundation for Innovation and the Canadian Millennium Scholarship Fund, it had the audacity to hire two outside accounting firms to contradict the Auditor General, at great expense to the taxpayers, no doubt. In May of last year, the accounting firms' opinions were tabled before the Commons Finance Committee. The Auditor General was clearly not impressed. This is what we can read, written by him in the public accounts, Volume I of the Public Accounts of Canada, 1998:

I have carefully examined these letters together with other evidence related to this transaction —

— meaning the Millennium Scholarship Fund.

— I believe that the evidence does not support the accounting treatment chosen by the government.

Why this disregard for a neutral observer whose obligation is to ensure that the financial statements of the government are presented fairly, openly, and consistent with generally accepted accounting principles which other governments have no difficulty in adopting? This is but another sad example of a growing disregard by the executive branch for any outside critique, no matter how well founded or how well intentioned. That an officer of the House of Commons is treated in such a manner is not only an affront to him but to the House that appoints him.

Finally, on the so-called fiscal irresponsibility of the Mulroney government, any time the slightest criticism is raised here about the government's fiscal policy, the Leader of the Government and his colleagues in the other place take great glee in comparing current achievements to those of the Mulroney government, as only they see them. It makes for colourful rhetoric but not for factual presentation. In an attempt to set the record straight, I want to compare the legacy which was left to the Mulroney government and how it struggled with it with the legacy left the Chrétien government and how it has built on it. The figures that I will quote are from current government and Bank of Canada publications and the financial press.

•(1630)

On September 17, 1984, the day the Progressive Conservatives were sworn into office, the dollar was at 0.7589 U.S., the bank rate at 12.38 per cent, and the prime rate at 13 per cent. On November 4, 1993 the day the Liberals were sworn into office, the dollar was at 0.7672 U.S., or up 0.0083 cents, the bank rate was at 4.51 per cent, or down 7.87 per cent, and the prime rate was at 5.75 per cent, or down 7.25 per cent.

Yesterday, the dollar closed at 0.6616 U.S., down 0.1056 from November 4, 1993. The bank rate is at 5.25, or up nearly 0.75 of 1 per cent. The prime rate is at 6.75, or up 1 per cent. Interest rates and the value of a country's currency are key determinants of the future of its economy. The present trend that is the opposite to that inherited at the end of 1993 is disturbing to say the least.

Let us now look at the budgetary results. When the Mulroney government took office in 1984, it inherited a 1984-85 Liberal budget that produced a deficit of \$38.4 billion. Not only was this a record in its day, but it was achieved in a record way and time, as the Liberals took a budgetary surplus of \$139 million in 1969-70 and squandered it into a \$38.4-billion deficit in only 15 years.

How was this achieved? How was this accomplished? By increasing program spending from no less than 8 per cent, to as much as 28 per cent per year. In fiscal 1979-80, by the way, the increase was only 5.9 per cent. Coincidentally this was during the Clark government. These figures were also achieved by transforming an operating surplus into a deficit of \$14.8 billion and by increasing net public debt 11-fold from \$19.3 billion to \$208 billion.

In other words, budgets were out of control. The sorry state of the nation's fiscal condition was attracting concern from major creditors around the world as well as international institutions not the least being the International Monetary Fund.

One dubious achievement that drew their attention was the item of public debt charges that were 12 per cent of budgetary revenue in 1969-70 and rose to 31.5 per cent in 1984-85. Such are the major highlights of the fiscal mess left to the Mulroney government when it took over in September 1984, compounded all the more by high interest rates.

I am the first to admit that efforts to halt these dangerous trends were not all successful. Nonetheless, it is remarkable how many of the achievements in this direction there were. This is all the more remarkable when it is recalled that they involved measures which many Canadians had difficulty in accepting, conditioned and lulled as they were, by the irresponsibility of the Liberal government's cavalier approach to fiscal policy, which can be summed up in the slogan "Don't worry, be happy."

Program spending during the time of the Mulroney government ranged between minus 2.1 per cent to plus 10.3 per cent, the latter in the first year with future years witnessing an increase of no more than 7.2 per cent. An operating surplus was achieved during five of the nine Mulroney budgets. The deficit remained uncomfortably high, but efforts to at least bring it under control were being recognized and implemented. The debt did increase, but 3-fold, not 11-fold. Public debt charges ranged between 30 and 35 per cent of budgetary revenue, where they remained during the first three years of the Liberal government, and are now in the mid 20s.

The opposition constantly attacked the Mulroney government for endorsing the Bank of Canada's anti-inflationary policy whose main feature was a tighter money supply. This policy was

also followed during years of a recession, which are considered the most severe since the depression of the 1930s. The bank held to an inflation target of less than 2 per cent.

When the Liberals took office, they took smug satisfaction in bringing in a new governor of the Bank of Canada, allowing them to blame his predecessor along with the Mulroney government for every economic malaise affecting the country. Ironically, the present governor was a close associate of his predecessor. No sooner was he appointed than he reconfirmed the inflation target with the full support of the Prime Minister and the Minister of Finance who were condemning it only a few months previously.

What conclusions can one draw from all this? It is simple: The Mulroney government took on a near impossible task, having been left a fiscal mess by its predecessor, took hard and unpopular decisions to clean up the mess, and left its successor a situation which it dared not alter but rather has built upon.

Even the present Prime Minister has acknowledged finally that policies that he denounced as Leader of the Opposition were the right ones. According to the *National Post* of January 30, 1999, he is quoted as saying:

The difficulty we had in the last recession is that the government was obliged to raise taxes in the middle of the recession and they had no choice and I do not blame them.

So spoke Mr. Chrétien in Switzerland. I wish he would speak as frankly in his own country.

The Liberal government has thrived on the successes of its predecessors. Successes once condemned as failures it has now adopted as its own: reduced government spending, the GST, free trade, reductions in the public service, stricter conditions for various entitlements and eligibility; these are but a few of the Mulroney initiatives that the present government has not only embraced but elaborated on.

Every Liberal budget is to a large extent the continuation of efforts begun by the Mulroney government after 15 years of Liberal dissipation. Efforts which were condemned at the time are now largely responsible for the fiscal condition of the government being as encouraging as it is.

While it is not the present government's practice to give credit where credit is due, but to arrogate it to itself, surely it is not too much to ask to at least stop distorting the past that serves Canada well today. Without the policies of the Mulroney government, particularly in its management of public finances, the present Minister of Finance would be struggling with an impossible situation with the IMF looking over his shoulder. I take nothing away from his accomplishments. I only wish that he and his cabinet colleagues, who still cannot admit publicly what they recognize privately, would at least have the intellectual honesty to say nothing.

The Mulroney government took giant steps, which were extremely difficult and unpopular, to bring some sanity back into the nation's public finances. The Liberal achievements of the last

few years result in large measure from these, and to suggest otherwise is to engage in an exercise of malicious dishonesty which has no place in our society.

Hon. John B. Stewart: Honourable senators, I should like to ask Senator Lynch-Staunton three questions, if I may.

Senator Lynch-Staunton: Certainly.

Senator Stewart: I do not wish to do this in an argumentative way, but it is a matter of ensuring that certain information is put on the record.

The honourable senator referred to the fact that when the Minister of Finance introduces his budget, it may provide for new taxes. The problem to which the honourable senator referred is the fact that these taxes have no legislative basis in Canada until such time as they have been enacted into law. In the meantime, months may have passed and all sorts of transactions may have taken place, perfectly legally, anticipating the change in tax law in the months to come.

In the United Kingdom, they have a provision in their laws, enacted in 1913, for the provisional collection of taxes. This means that when the minister announces the tax, it goes into effect provisionally and the House of Commons has a certain period in which to enact the legislation which then becomes retroactive to the day that the budget was introduced.

The difficulty of following the British practice is the power of the Senate with regard to taxation law. We cannot follow the British example which is based on the law that the House of Lords is able to defeat a tax bill. The problem here is the Senate's power in relation to tax bills.

Has the honourable senator a solution to that problem? If he has, I know that there are many people who would be wonderfully happy to know about that solution. That is my first question.

Senator Lynch-Staunton: I do not see the problem, because the Senate has always respected the House's right to have control over the purse. We are more or less rubber-stamping their decisions. I know we can block and amend. We saw that during the GST debate but that was the exception, I hope, and not a precedent.

•(1640)

Perhaps that could be formalized through a constitutional amendment. As long as they are the elected body, I would see the power of public spending, to a certain extent, as the privilege of the House of Commons. They have to answer for it; we do not.

Senator Stewart: Honourable senators, that is one of the problems that was anticipated when the Senate was created. The smaller provinces did not want to give Ontario, which was the province with the growing population at that time, full control over either expenditure or taxation. So they gave powers in these matters to the House which assures the representation of other regions of the country.

I realize that the honourable senator comes from what I call "Tom Land" — Toronto, Ottawa and Montreal. Notwithstanding that, does he think that the extremities of the country would be prepared to give full control over taxation and expenditure to "Tom Land," to use that brief designation? Is this not a major concern for people in the east and the west, particularly Alberta in the west?

Senator Lynch-Staunton: The problem now is not "Tom Land," as you call it.

By the way, I have moved and now live in the Eastern Townships which is why I have that refreshingly objective approach which I may not have had before. I have a rural outlook. I am a dirt-scratch farmer now.

The problem is not so much that Central Canada control is concentrated in the more populated areas; it is the fact that the executive has abrogated the powers of the House of Commons. The first step one can take, if they do not give it up, is to grab it back. Our role in examining the Estimates is much more productive than the House of Commons which, in effect, is rubber-stamping the Estimates. It really does not go through them.

On the budget, though, the approval of revenues and expenditures and taxation policy, Parliament really has no say over it whatsoever. The House of Commons can get a little more authority over it by changing the budget process; you are quite right. If it were not confirmed once presented, it could be presented and debated for another week or two before it is implemented to allow some input by parliamentarians, for whatever it is worth. Right now, any contribution they make is for the record.

Senator Stewart: My second question relates to the Estimates. Does the honourable senator not realize that the present rules, the present Standing Orders of the House of Commons, make ample provision for the members of the House of Commons to deal with the Estimates?

According to the Standing Orders, the Main Estimates are to be referred to the standing committees on or before March 1 of the fiscal year, and the committees are to report back by the end of May. If they have not done so, in other words if they try to defeat the Estimates simply by doing nothing, then the Estimates are assumed to have been reported back.

The problem, it seems to me — and I ask the senator's opinion on this — is not the procedures of the House of Commons but the fact that the House of Commons committees are not doing their work.

Senator Lynch-Staunton: Exactly.

Senator Stewart: Consequently, the intensive study of the Estimates is not taking place there. At the same time, there is an opportunity for the opposition parties to put down debatable motions, some of which are votable. If the opposition were to use

those to attack particular Estimates, they could do so quite effectively. Why is this not happening in the other place? That is not a rhetorical question.

Senator Lynch-Staunton: I do not have an answer. I can only speculate that no matter how carefully a department's Estimates may be examined and analyzed by a particular committee, they know from the beginning that the majority — no matter what party is in power — has control of that committee and will not allow anything but an examination, and that the end result is the same as what they started with.

Senator Stewart: I will explain why I am asking this third question. It has an immediate purpose. The honourable senator talked about the growth of the Canadian debt. I believe he has taken into account the impact of the gradual decline in the value of the Canadian dollar on our interest payments outside the country.

That decline in the value of the Canadian dollar means that more Canadian dollars have to be paid to buy the currency in which we pay debt held by people outside Canada. That decline is, to a very great extent, the function of factors well beyond the control of the Canadian government. The crisis in the Far East drove down the Canadian dollar by reason of the increased popularity of the U.S. dollar.

Has the honourable senator taken that into account? He seemed to be blaming the Liberal government for the increase in the debt, whereas, to some extent — and certainly it is true in the province of Nova Scotia in the case of the provincial debt — it is a result of foreign considerations over which we have no control. The reason that this question is important right now relates to the work of the Banking Committee which is looking at a proposal made by some people to escape this kind of unintended consequence for the Canadian dollar and for Canadian borrowing. The proposal is that Canada adopt the U.S. dollar and thus not be side-swiped by the unintended implications of changes in the international financial market.

Has the honourable senator taken this into account and has he advised his colleagues of the importance of the forthcoming meeting of the Banking Committee on this topic?

Senator Lynch-Staunton: As to your last question and without revealing any secrets, Senator Tkachuk, in our caucus, told us about the meeting you will be having in the Banking Committee regarding the dollar and the question of a common currency.

On the general question, I cannot answer the honourable senator directly because I do not have the answer. I can say one thing, though. Foreign borrowings are always dangerous because they are subject to currency fluctuations. When I was involved with the city administration in Montreal, we were very conscious of that, and I assume it is no different elsewhere. We tried to offset the possible devaluation of the currency going the wrong way with the savings we would make on the interest rate. At that time, interest rates abroad were much lower than in Canada. One

would have to examine the mathematics of it, but to answer the question: No, I have not looked into that aspect of it. However, the honourable senator has stimulated my curiosity, and I will look into it.

On motion of Senator Carstairs, for Senator Graham, debate adjourned.

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PRIVILEGES, STANDING RULES AND ORDERS

NORMAL SITTING HOURS OF COMMITTEE—
REQUEST FOR DETAILS FROM CHAIRMAN—POINT OF ORDER

Hon. Noël A. Kinsella (Acting Deputy Leader of the Opposition): Honourable senators, on a point of order, I was hoping to obtain a copy of the blues from today's Question Period. However, I have not yet been successful in obtaining them.

However, it is my recollection that I rose with a question that I put to the Chairman of the Standing Committee on Privileges, Standing Rules and Orders. My question was: At what time does that committee sit? The answer that was given, which I think will be reflected in the blues or in the Hansard of tomorrow, is that the committee sits when the Senate rises on Tuesdays —

Honourable senators, I now have the blues. The question is from the blues at page 1520-7 and is as follows:

Senator Kinsella: Honourable senators, my question is for the Chair of the Standing Committee on Privileges, Standing Rules and Orders. Can the honourable senator remind us as to the regular meeting hours of that committee?

Hon. Shirley Maheu: Honourable senators, that committee meets when the Senate rises on Tuesdays.

Then, over the name of Gary O'Brien, Clerk of the Committee, there has been circulating, as of 3:43 this afternoon, the document that I have in my hands which states, "Revised. Senate Committee on Privileges, Standing Rules and Orders, Notice of Meeting. Tuesday, March 9, when the Senate rises but not before 6:00 p.m."

We need clarification as to when that committee is meeting. Is it "When the Senate rises" or will it be at 6:00 p.m.? I suppose, since the honourable senator is now in the Chair, she will have to return to her regular place if we are to have an answer from the chair of that committee.

Hon. Shirley Maheu (The Hon. the Acting Speaker): Honourable senators, according to rule 55(2), it is not permitted for the Speaker in the Chair to speak on either a point of order or a question of privilege.

Senator Kinsella: Honourable senators, the solution is quite simple. I thought I had delicately suggested it a few moments

ago. The solution is for the honourable senator who is presently in the Chair to take her regular seat in the chamber in order to provide members of that committee with some clarification as to when they will meet. Senator Phillips would be happy to take the Chair, I believe.

The Hon. the Acting Speaker: Honourable senators, I am presiding and I will not participate in the debate.

I call on Senator Carstairs for the adjournment.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, on a point of order, this is unprecedented. The person sitting in the chair is not even Speaker *pro tempore*. She is here as a senator, and as chairman of the Rules Committee and sitting there only because, at the moment, we do not have a Speaker *pro tempore*.

It is an affront to this place to be told that the honourable senator will not participate in the debate. All she needs do is take her seat and explain to Senator Kinsella and others why we were told that the committee met when the Senate rises on Tuesdays, and then have a notice circulating a few minutes later saying "but no earlier than six o'clock." This is disrupting schedules. It is a question of the proper functioning of committees.

The chairman is the only one who can answer that question, and I think she should be graceful enough to agree to reply from her place. If she does not, we will not go to the committee. This is not the way you handle committees, and it is certainly not the way to handle the Senate.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, perhaps we might resolve this issue by having Senator Corbin take the Chair for just a few minutes.

Hon. Eymard G. Corbin (The Hon. the Acting Speaker): Honourable senators, I presume a certain question has been understood and received. In that case, I recognize the Honourable Senator Maheu.

Hon. Shirley Maheu: Honourable senators, in the first place, I understood the question to be: When does the committee normally sit? I said, "When the Senate rises on Tuesdays." Unfortunately, there was an urgent caucus called for five o'clock and I had to ask the clerk to delay our committee until 6:00 p.m. Senator Lynch-Staunton said that if I refused to get out of the Chair, the committee would be boycotted. All I can say, senator, is that it would not be the first time that that particular committee has been boycotted.

If you have any other questions, I will be pleased to answer them.

Hon. Brenda M. Robertson: Honourable senators, I should like to ask the chairman of the committee when the committee was boycotted. Please give me the dates, and by whom the committee was boycotted.

Senator Maheu: Honourable senators, I will answer that question tomorrow. I do not have the dates in front of me at this particular time. However, I believe the clerk can get that information for me.

Senator Lynch-Staunton: You had better retract that statement, then!

Senator Kinsella: Honourable senators, this brings us back to the situation that the chairman of the committee, at some point this afternoon, decided that the committee would not meet when she told this house it was supposed to meet because some caucus meeting was taking place. How are we to know there may not be some other, intervening event that, in the judgment of the chairman of the committee, will cause the committee to meet at a different time? Either we will follow the rules of this place or we will end up in anarchy and chaos, which seems to be the direction in which we are heading.

Honourable senators, I would appeal to the chairman of the committee to be in close communication with the members of the steering committee of that committee. My goodness, if the Rules Committee is not following the rules, what committee will follow the rules? It is my understanding that the Rules Committee is deliberating on the rules of this place.

Senator Meighen: Would you like a ruling?

Senator Kinsella: Perhaps my colleague the Deputy Leader of the Government could bring some clarity and light to the situation.

Senator Carstairs: Honourable senators, I do not know if I can bring clarity and light to the situation, but there is nothing in the rules that says when a committee can or will sit. That is done by custom, and "the call of the Chair" is the normal procedure.

In this particular case, the chairman of the committee decided that the committee, which often begins its sittings at six o'clock anyway, since that is when the Senate usually has risen, will sit at six o'clock. It is not particularly unusual to have the committee sit at six o'clock and often it sits till seven o'clock or 7:30. That has been much the custom of this place.

As the chairman indicated, a special meeting of the Liberal caucus has been called for five o'clock this afternoon. We were told that that meeting would last no more than an hour, so the

senator called her meeting for that time, namely, at six o'clock. A number of criticisms have also been made because committees do not sit often enough, and the committee chairman in this case did not want to cancel the meeting. Therefore, she called it for six o'clock.

In the future, I would hope that she would speak with her deputy chairman before the notice went out indicating a change other than the customary procedure.

Senator Robertson: Honourable senators, on that point, it would be courteous and helpful if one had more than an hour's notice. The notice was sent at about 3:45 p.m.. That does not allow very much time.

Senator Carstairs: Honourable senators, with the greatest of respect to Senator Robertson, none of us knows when the Senate will rise. Perhaps it might rise at six o'clock, only to return at eight o'clock.

Hon. Colin Kenny: Honourable senators, it is a custom in this chamber to show courtesy when one side or another has a caucus meeting. The custom and the tradition is to allow for that decision when the caucus meets. In this case, there is —

Senator Andreychuk: Cancel the meeting!

Senator Kenny: Honourable senators, I heard the Honourable Senator Andreychuk say "cancel the meeting." We would not ask you to cancel a caucus meeting if you had one planned. There have been occasions when both sides have had caucuses and had reasons why they wanted to talk amongst themselves. It is normal when that happens that other business does not go on. It is a courtesy that one side has customarily extended to the other. It is not a requirement, but it is a courtesy that is customarily extended.

Hon. Norman K. Atkins: Honourable senators, it was not too long ago when the chairman of that committee called a meeting while we were caucusing on a Wednesday morning. The clerk knows about that because a formal complaint has been lodged.

The Hon. the Acting Speaker: Honourable senators, I do not believe the Chair has been called on to solve anything. Therefore, I will ask Senator Carstairs for the adjournment motion.

The Senate adjourned until tomorrow at 2 p.m.

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